

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

DENNIS HANSCOM,

On Behalf of Himself and All Others Similarly
Situated,

Plaintiff,

v.

**NORDSEC LTD., NORDSEC B.V.,
NORDVPN S.A., NORD SECURITY INC.,
and TEFINCOM S.A. d/b/a NordVPN,**

Defendants.

Case No. 3:24-cv-00277-KDB-DCK

**DECLARATION OF ETHAN D. ROMAN IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

Ethan D. Roman, an attorney duly admitted *pro hac vice* to practice before the Western District of North Carolina, hereby declares the following under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. My firm, Wittels McInturff Palikovic is counsel for Plaintiff Dennis Hanscom and the Proposed Class in the above-captioned case. I submit this Declaration in Opposition to Defendants' Motion to Dismiss (Doc. No. 55). Based on my active participation in all material aspects of this class action against NordSec Ltd., NordSec B.V., NordVPN S.A., Nord Security Inc., and Tefincom S.A (collectively "Nord Security" or "Defendants"), I have personal knowledge of the matters set forth herein.

2. I make this Declaration in Opposition to Defendants' Motion to Dismiss to authenticate the attached exhibits referenced in the accompanying Memorandum of Law and to substantiate certain additional facts.

I. NORD SECURITY ACTS AS A SINGLE PARTNERSHIP

3. All Defendants act as a single company called "Nord Security" in such a way that members of the public are unable to identify and distinguish between them.

4. Defendants' website, www.nordsecurity.com, refers to a single entity, including links for "our products," "our team," and "our values."

5. Email addresses listed on Defendants' website use the same "@nordsec.com" domain regardless of which entity employs the employee with the account.

6. Defendants do not market themselves independently, instead marketing themselves collectively as the company "Nord Security."

7. When consumers navigate to different products offered by Defendants, those products are marketed as belonging to Nord Security. For example, the webpage for NordPass boasts in large bold letters "**We belong to the Nord Security Group**," which is described as a single "company" that offers cybersecurity products. *See* Ex. A at 4.

8. After a venture capital firm invested \$100 million in Defendants, "Nord Security" issued a press release describing it as an investment in "Nord Security, a global leader in internet privacy and security solutions" rather than an investment in a specific business entity. *See* Ex. B at 1. The press release did not delineate how those funds would be allocated among corporate entities. *See id.*

9. Defendants issue an annual "Impact Report" to extoll the results of "Nord Security." These reports present a single valuation of a unitary company. The reports include: (a)

the number of employees who “joined Nord Security,” Ex. C at 7, (b) the collective valuation of “Nord Security,” which includes all business entities without separating between them, *id.* at 5, 7, (c) the total number of patents Nord Security has, *id.* at 8, (d) a description of “Nord Security as a great working place,” characterizing all employees of any Defendant as an employee of “Nord Security,” *id.* at 25, and (e) a “team of advisors” that advise “Nord Security,” *id.* at 34—all without disaggregating the various business entities. Indeed, the most recent Impact Report refers to all business entities collectively as “the company” at least eight times. *See. e.g.*, Ex. C at 8, 30, 32–33.

10. Intellectual property of different entities is transferred internally among the partnership. For example, Defendants admit that NordSec Ltd. “once owned the intellectual property of the Nord brand,” but state the current owner is NordSec B.V. Doc. No. 55 at 7. Moreover, although Tefincom S.A. was the original trademark owner for “NordVPN,” some Nord Security webpages indicate that NordSec B.V. owns the “NordVPN” trademark, while another Nord Security webpage states that “NordVPN is owned and operated by nordvpn S.A.”

11. Trademarks owned by one entity are used by other entities in the partnership. For example, Nord Security’s webpage indicates that NordSec B.V. owns the intellectual property of the Nord brand, but NordVPN is owned and operated by NordVPN S.A.

12. Nord Security was created by, using their own words, “two best friends” who “sought to create a tool for a safer and more accessible internet.” *See* Ex. D at 1. Those “two best friends” claim on their LinkedIn pages that they are co-founders of “Nord Security.” *See* Ex. E at 1; Ex. F at 2.

13. Defendants market their employees as working for Nord Security. The LinkedIn pages of many of Defendants’ employees state that these employees work at “Nord Security.”

When a jobseeker visits www.nordvpn.com, the “careers” subpage is on a Nord Security domain (<https://nordsecurity.com/careers>) that contains various claims and a video about working at “Nord Security.” Job applicants apply for “Nord Security” positions available in Lithuania, Germany, Poland, and remotely. Indeed, Nord Security’s website contains a pop-up advertisement to attract prospective employees— “There are a million reasons to join Nord Security.” *See* Ex. G.

14. All Defendants’ press releases come from “Nord Security” without identifying or distinguishing between corporate entities.

15. Although Defendants claim that they are discrete entities because they are incorporated in different countries, their website tells a different story, boasting that Nord Security has “a global team working around the world.” *See* Ex. G at 5.

16. Defendants are represented by the same counsel.

II. AUTHENTICATING DOCUMENTS

17. Attached hereto as **Exhibit A** is a true and correct copy of the NordPass webpage <https://nordpass.com/about-us/>, accessed on September 18, 2024.

18. Attached hereto as **Exhibit B** is a true and correct copy of the September 28, 2023 press release issued by “Nord Security” announcing a \$100 million investment in the partnership.

19. Attached hereto as **Exhibit C** is a true and correct copy of the 2023 Impact Report issued by Nord Security.

20. Attached hereto as **Exhibit D** is a true and correct copy of the Nord Security webpage <https://support.nordvpn.com/hc/en-us/articles/20911146148113-The-founders-and-owners-of-NordVPN>, describing “The founders and owners of NordVPN,” accessed on September 18, 2024.

21. Attached hereto as **Exhibit E** is a true and correct copy of Tomas Okmanas's LinkedIn page, accessed on September 18, 2024.

22. Attached hereto as **Exhibit F** is a true and correct copy of Eimantas Sabaliauskas's LinkedIn page, accessed on September 18, 2024.

23. Attached hereto as **Exhibit G** is a true and correct copy of the Nord Security webpage <https://nordsecurity.com/about-us>, accessed on September 18, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 18, 2024

Executed By:

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